

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re DAVID JOHNSON,) No. C 10-3001 JSW (PR)
Petitioner.) **ORDER OF DISMISSAL**
) (Docket No. 4)

The Clerk of Court opened this case on July 8, 2010, when it received from petitioner, a prisoner of the State of California currently incarcerated at the Calipatria State Prison in Calipatria, California, a motion for an extension of time in which to file a habeas petition. On that day, the Clerk notified Petitioner that he had to file a proper petition or other pleading within thirty days or the case would be dismissed. On the same date, the Clerk also notified Petitioner that he had neither paid the filing fee nor filed an application to proceed in forma pauperis (“IFP”). Along with the IFP notice, the clerk mailed to Petitioner the Court’s IFP forms, instructions for completing the forms, and a stamped return envelope. The IFP notice informed Petitioner that the case would be dismissed if he did not either pay the fee or file a completed IFP application within thirty days. On August 6, 2010, Petitioner filed a request for an extension of time in which to file a petition, but he has neither paid the filing fee nor filed an IFP application within the allotted time, nor has he explained his failure to do so. Accordingly, this case is DISMISSED without prejudice. *See* Fed. R. Civ. P. 41(b).

The Clerk shall enter judgment and close the file.

IT IS SO ORDERED.

DATED:November 29, 2010

Jeffrey S. White

JEFFREY S. WHITE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

DAVID JOHNSON JR.,

Case Number: CV10-03001 JSW

Plaintiff,

CERTIFICATE OF SERVICE

V.

/ et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on November 29, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

David Johnson
C37712
P.O. Box 8500
Coalinga, CA 93210

Dated: November 29, 2010

Jennifer Ottolini

Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk

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